



WYATT
36517-102303

***ROANOKE CITY COUNCIL
REGULAR SESSION***

***OCTOBER 23, 2003
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation was delivered by The Reverend Harry M. Miller, Jr., Pastor, Roanoke Valley Cathedral of Praise.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Friday, October 24, 2003, at 7:00 p.m., and Saturday, October 25, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

REGULAR SESSION

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Presentation of a \$1,000.00 check to The History Museum and Historical Society of Western Virginia, in recognition of the City being selected as a winner of the 2003 James C. Howland Awards.

File #80-228

Proclamation declaring the month of October 2003, as National Disability Employment Awareness Month.

File #3-353

Proclamation declaring Sunday, October 26, 2003, Change Your Clock, Change Your Battery Day.

File #3-70

3. CONSENT AGENDA

APPROVED (7-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meeting of Council held on Tuesday, September 2, 2003; and recessed until Friday, September 5, 2003.

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: **Concur in the request.**
File #110-132

- C-3 Qualification of the following persons:

Susannah Koerber as a member of the Roanoke Arts Commission,
for a term ending June 30, 2006; and
File #110-230

Joseph F. Lynn as a Commissioner of the Roanoke
Redevelopment and Housing Authority, for a term ending
August 31, 2007.
File #110-178-230

RECOMMENDED ACTION: **Receive and file.**

REGULAR AGENDA

- 4. PUBLIC HEARINGS: NONE.**
- 5. PETITIONS AND COMMUNICATIONS: NONE.**

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

The City Manager introduced Gareth McAllister, Facilities Manager.

1. Appropriation of funds to new or existing project accounts to support strategic technology needs and enhancements.

Adopted Budget Ordinance No. 36517-102303 (7-0)
File #60-301-467-468-553

2. Appropriation of Alcohol, Tobacco, and Firearms Seized Property One-time Deposit, in the amount of \$100,306.00, resulting from a criminal investigation.

Adopted Budget Ordinance No. 36518-102303 (7-0)
File #5-60-212-236

3. Execution of an agreement with the Roanoke City School Board in connection with continued operation of the Woodrow Wilson Middle School Fitness Center, for an additional one-year term, with an option to renew for up to four additional one-year terms, ending October 31, 2008.

Adopted Resolution No. 36519-102303 (7-0)
File #67-467

4. Acceptance of a Lead Hazard Control Grant from the U. S. Department of Housing and Urban Development, in the amount of \$1,543,704.00.

**Adopted Budget Ordinance No. 36520-102303 and Resolution No. 36521-102303 (7-0)
File #60-236**

5. Amendment to the City Code in connection with a \$3.00 assessment fee for court costs to support relocation of the Roanoke Police Academy, effective November 1, 2003.

**Adopted Ordinance No. 36522-102303 (7-0)
File #5-377**

BRIEFINGS:

6. Zoning Ordinance Update - (20 minutes)
File #51

b. DIRECTOR OF FINANCE:

1. Authorization to terminate the lease agreement dated August 26, 1992, between the City and the Roanoke Redevelopment and Housing Authority for the lease of the Century Station Parking Garage; and acceptance of conveyance of the garage to the City.

**Adopted Ordinance No. 36523-102303 (7-0)
File #178-302**

7. REPORTS OF COMMITTEES:

- a. A report from the Roanoke City School Board requesting approval of a State Literary Fund loan application for improvements to Patrick Henry High School, in the amount of \$7.5 million; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

Adopted Resolution No. 36524-102303 (7-0)

File #60-467

- b. A report from the Roanoke City School Board requesting appropriation and transfer of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

Adopted Budget Ordinance No. 36525-102303 (7-0)

File #60-467

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. A Resolution appointing a new Director of the Industrial Development Authority of the City of Roanoke, to fill a four year term on the Board of Directors.

Adopted Resolution No. 36526-102303 (7-0)

File #110-207

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Council Member Wyatt advised that she participated in a recent tour of the City of Roanoke with the Assistant City Manager for Community Development, along with an individual who is interested in constructing a head trauma facility in the City. She stated that the individual was impressed with the City of Roanoke and referred to Roanoke as the "best kept secret on the East Coast." She advised that it is gratifying to hear positive remarks by out of state visitors on the beauty of Roanoke and what the locality has to offer.

File #80-132-450

Vice-Mayor Harris referred to a letter setting forth proposed budget study dates for fiscal year 2004, and asked that Council Members advise the City Clerk of any conflicts by October 29, 2003.

File #60-132

Vice-Mayor Harris reported on the status of the organizing group which was appointed to establish a Task Force on School Discipline. He advised that the first meeting of the Task Force will be held on November 11, 2003 at 7:00 p.m., in the Community Room, Higher Education Center.

File #5-467

Council Member Bestpitch commended and expressed appreciation to City staff who volunteered their time for the Virginia Municipal League Host City Night on Monday, October 20, 2003, on the City Market.

File #17-42-80

Council Member Bestpitch advised that as a part of the City's Urban Forestry Program, he was pleased to plant the inaugural tree earlier in the day in Highland Park in memory of his two grandfathers. He encouraged citizens of Roanoke to plant a tree on public property in the City to commemorate a special event, or in memory of a loved one.

File #67-80-240

Council Member Cutler recognized the work of City employees in connection with the Virginia Municipal League Annual Conference and as authors of well written articles that were published in the VML Magazine, *Virginia Town and City*, which highlighted the City of Roanoke.

File #17-80

Council Member Dowe congratulated The Roanoke Times upon the grand opening of its new printing facility last week.

File #80-227

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

Council Member Wyatt left the meeting.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke with regard to leadership and character. She advised that citizens have been told that hazardous waste material is buried on the proposed site of the new stadium/amphitheater on Orange Avenue and Williamson Road; whenever citizens believe that their lives and the lives of future generations may be endangered by hazardous waste materials, it is their

responsibility to bring the matter to the Council's attention, and it is the responsibility of Council to resolve the issue; therefore, citizens of Roanoke ask that the site be tested to ensure that it is environmentally safe.

File #122-529

Ms. Helen E. Davis, 35 Patton Avenue, N. E., spoke with regard to the disappointment of many Roanoke citizens concerning the individual votes of Council Members on the proposed new stadium/amphitheater on Orange Avenue and Williamson Road. She stated that citizens of Roanoke ask that the City ensure that the site is safe through an environmental assessment. She advised that residents of Lincoln Village/Lincoln Terrace are experiencing serious maintenance problems and are concerned that storm/screen doors have not been installed on housing units. She stated that as they work with Congressman John Warner's Office, it is believed that the issue will be addressed.

File #66-122-178-529

12. CITY MANAGER COMMENTS:

The City Manager expressed appreciation to City employees who volunteered their time for a successful Virginia Municipal League Host City Night on Monday, October 20, on the City Market. She advised that as a part of the Annual Conference, a tour was provided of the City's new filtration system and plant at Crystal Spring, as well as the restored pumping station.

File #17-80-468

CERTIFICATION OF CLOSED SESSION. (6-0, Council Member Wyatt was absent.)

Council appointed/reappointed the following persons to boards and commissions:

Architectural Review Board
File #110-249

Jon Stephenson
for a term ending
October 1, 2007.

**Youth Services Citizen Board
File #15-304-110**

**Krista Blakeney
for a term ending
May 31, 2006.**

**Roanoke Valley Cable
Television Committee
File #110-448**

**Laurie Wood
City Manager's designee**

**Roanoke Civic Center
Commission
File #110-192-15**

**Debbie Conner
for a term ending
September 30, 2006.
(The City residency
requirement was waived.)**

**Roanoke Valley Resource
Authority
File #110-253-15**

**Bittle Porterfield
for a term ending
December 31, 2007.**

**THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL 7:00
P.M., IN THE CITY COUNCIL CHAMBER.**



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***OCTOBER 23, 2003
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call. (Council Member Dowe was absent.)

The Invocation was delivered by Mayor Ralph K. Smith

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

The Council meeting will be televised live by RVTv Channel 3 to be replayed on Friday, October 24, 2003, at 7:00 p.m., and Saturday, October 25, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Request of Murray E. and Patricia B. Joiner to amend proffered conditions presently binding upon a tract of land located at 3034 Brambleton Avenue, S. W., Official Tax No. 1650903, as set forth in Ordinance No. 35218-030501, adopted on March 5, 2001. Murray E. and Patricia B. Joiner, Spokespersons.

Adopted Ordinance No. 36527-102303 (6-0)
File #51

- 2.(a) Request of Member One Federal Credit Union to permanently vacate, discontinue and close a portion of Gilmer Avenue, N. E., running in a westerly direction from 4th Street to an existing cul-de-sac. C. John Renick, Attorney, Spokesperson.

Adopted Ordinance No. 36528-102303 (6-0)
File #514

- (b) A communication from the City Manager requesting authorization to enter into a performance agreement with Member One Federal Credit Union, in connection with the above referenced item, at no charge.

Adopted Ordinance No. 36529-102303 (6-0)
File #514

3. Request of Malcolm M. Rosenberg to rezone property located at 2719 Colonial Avenue, S. W., Official Tax No. 1260808, and 2735 Colonial Avenue, S. W., Official Tax No. 1260804, from RS-3, Residential Single-Family District, to C-1, Office District, subject to certain conditions proffered by the petitioner. Edward A. Natt, Attorney, Spokesperson.

Adopted Ordinance No. 36530-102303 (5-1) (Mr. Bestpitch voted no)
File #51

4. Request of 22 Luck Avenue, Inc., to permanently vacate, discontinue and close a certain portion of an alley lying between 16 and 22 Luck Avenue, S. W., and parcels identified as Official Tax Nos. 1012707 and 1012706. Raphael E. Ferris, Attorney, Spokesperson.

Adopted Ordinance No. 36531-102303 (6-0)
File #514

5. Proposed conveyance of a ten-foot easement on property known as Jackson Park, identified as Official Tax No. 4130501, to Roanoke Gas Company, to relocate a high relief valve from the northern side of Morningside Street. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36532-102303 (6-0)
File #28-67-458

6. Proposed lease of 7.05 acres of City-owned land located along Back Creek in Roanoke County to a County resident for agricultural purposes, for a period of one year, with a renewal option for four additional one-year periods, and a 60-day mutual termination provision. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36533-102303 (6-0)
File #373-166

7. Amendment of Chapter 36.1, Zoning, Section 36.1-445, Additional sign regulations, subsection (c), Code of the City of Roanoke (1979), as amended, to address roof signs in the H-1, Historic District. R. Brian Townsend, Agent, City Planning Commission.

Tabled for 30 days
File #51-107

8. Endorsement of the draft 20-Year Long Range Transportation Plan for submission to the Roanoke Valley Area Metropolitan Planning Organization. Darlene L. Burcham, City Manager.

Adopted Resolution No. 36534-102303 (6-0)
File #316-326-77

HEARING OF CITIZENS UPON PUBLIC MATTERS:

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Mr. Robert Gravely, 729 Loudon Avenue, N. W., expressed concern with regard to barrels containing hazardous waste material that were uncovered as a part of the excavation process at the site of the proposed stadium/amphitheater on Orange Avenue and Williamson Road.

File #66-122